



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

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The Dismal Daschle Senate

A Litany of Failures on Daschle's Doorstep

The opening months of the 107th Congress were productive ones in the United States Senate. Under Republican control, the Senate adopted a budget calling for Medicare reforms including a prescription drug benefit, and passed the Bush tax relief package at the exact moment the economy needed it most. By all appearances, however, the Senate's record of accomplishment has since declined. The period of Democrat control of the Senate largely has been one of missed opportunities. Below we list the more significant failings of the 107th Senate under the stewardship of Majority Leader Daschle.

Failure to Pass a Homeland Security Bill

The Senate is currently at a standstill – after a month of virtually no progress and a Democrat-led filibuster – on the Homeland Security bill. A single Democratic Senator has been responsible for much of the delay. The Democratic leadership's effort to retard existing presidential national security powers is responsible for the rest. To protect their partisan legislation, the Democratic leadership has attempted to block consideration of the key bipartisan amendment supported by the President. In doing so, they filled the entire amendment tree to preclude a vote – a tactic Senator Daschle promised never to use. The President has pleaded with the Senate to send him a Homeland Security bill this year. The House acted promptly in July. Senate Democrats dither.

Failure to Put Defense Appropriations on the President's Desk

After eight years of neglect under the Clinton Administration, the Bush Administration has been urging Congress to restore the capability and readiness of our armed forces. The attacks of September 11, 2001 placed an even greater emphasis on improving our military capabilities. Since last April, the President has asked Congress to send him the defense appropriations bill first among the 13 appropriations bills. This was to ensure that critical defense spending was not held hostage to needless increased spending on other bills. Instead, the defense bill languishes in conference, even as the Senate is poised to consider a resolution authorizing the use of force against Iraq.

Failure to Pass a Budget

For the first time since the passage of the Budget Act of 1974, the Senate has failed to adopt a budget resolution. Recall the words of Budget Committee Chairman Conrad who, when the budget battles were erupting in Congress a few years ago, had this to say: “What a way to govern. What a way to manage. . . . A budget resolution is the distinct responsibility of the Congress. This Congress has failed” [*Congressional Record*, 10/12/98]. This failure has had a domino effect – no budget has meant the appropriations process got off to a late and difficult start. It has meant there would be no effort to control spending and bring the growing deficit under control. And it has meant any effort to adopt a Medicare prescription drug benefit – Republican, Democrat, or Tripartisan – was doomed to fail against a higher 60-vote threshold.

Failure to Enact A Single Appropriations Bill By Fiscal Year’s End

With fiscal year 2002 now in the past, not one of the 13 appropriations bills for the new fiscal year has been sent to the President. This is a direct result of the Senate’s failure to pass a budget. Instead, Senate-reported bills total more than \$9 billion over the House-passed budget. As of today, the Senate has passed only 3 of 13 bills, sent only 2 to conference, and sent none to the President. Moreover, even as he faced the end-of-the-fiscal-year deadline, Senator Daschle’s Senate failed to move a single appropriations bill in September.

Failure to Act on Judicial Nominations

The Democrat Leadership has blocked nearly 40 percent of President Bush’s judicial nominees: roughly one-third of the President’s district court nominees and 57 percent of his nominees to the more influential circuit courts of appeals. In so doing, Senate Democrats have contributed to the judicial crisis that exists in the nation’s federal courts. Rather than allow the entire Senate to discharge its constitutional duty of advice and consent, 10 liberal Democrat Senators on the Judiciary Committee repeatedly have denied the rest of the Senate a voice in critical judicial nominations. As a recent illustration of the lengths to which Senate Democrats will go to apply litmus tests to judicial nominees, the Judiciary Committee blocked the nomination of Justice Priscilla Owen of Texas, despite the fact that the American Bar Association unanimously awarded her their highest rating – a distinction Chairman Leahy himself has called the “gold standard” for judicial nominees.

Failure to Protect Social Security

When Democrats were in the minority, they repeatedly accused Republicans of raiding Social Security and called on the Senate to protect Social Security surpluses for future retirees. Now that they run the Senate, however, Democrats have failed to take any action to reduce the on-budget deficit or otherwise protect Social Security. Even the abortive budget offered by Budget Chairman Conrad resulted in the following headline from the *Washington Post*: “Senate Democrats Tap Social Security in Budget Plan” [3/21/02]. At the same time, Democrat leaders have voted for

new spending that, under their own accounting, would raid nearly a trillion dollars from Social Security. Meanwhile, federal debt authority has lapsed twice under Senator Daschle's watch, endangering Treasury's ability to send out Social Security checks.

Failure to Provide Medicare Prescription Drug Benefits

Democrats regularly clamor for a new Medicare prescription drug benefit, but once given the majority they failed to make good on their rhetoric. While the Republican-led House passed a Medicare prescription drug benefit, Senator Daschle set up an exercise designed to fail – and fail it did. Under the procedural hurdles Senate Democrats put in place, no Medicare bill could garner enough votes for passage. This failure could have been avoided had the Majority Leader called up and passed a budget that would have allowed for the creation of the prescription drug program.

Failure to Reauthorize Welfare Program

In 1996, a Republican Congress reformed welfare by promoting self-reliance through work. The resulting declines in welfare rolls, poverty, and child hunger have surpassed even the highest expectations. Welfare rolls and minority child poverty continued to decline during the Clinton recession, making welfare reform the most successful piece of social legislation since the War on Poverty began. The law must be reauthorized this year, and the House has passed the President's plan to bring self-reliance to more Americans. Yet the Senate, now under the control of Democrat Senators who opposed welfare reform, has failed to follow suit. Despite the 90-day extension of the program attached to the first continuing resolution, the Senate's Democrat leadership has failed the millions of poor Americans who would be helped by expanding welfare reform.

Failure to Reauthorize IDEA

Like welfare reform, the Individuals with Disabilities Education Act (IDEA) will expire this year. Despite widespread recognition that problems in special education demand Congress' attention, Senate Democrats have failed even to consider legislation reauthorizing IDEA.

Failure to Address the Need For Accessible Health Care

As health premiums rise by 20 percent in some areas and more Americans are uninsured than when Daschle began his tenure as Majority Leader, this Senate's Democrat leadership still has failed to make health insurance more affordable to small businesses and working families. In fact, Senate Democrats defeated numerous attempts to do so (see, in the 107th Congress, First Session vote numbers 83, 161, 194, 216) and instead tried to make health insurance more expensive by allowing trial lawyers to sue

employers who provide health coverage (see 107th, First Session vote numbers 197, 199, 204, 206, 207, 212, 215, 217-220).

Failure to Address Critical Cloning Issue

Scientific discoveries over the last year and a half have made it obvious that the Senate needs to confront the issue of human cloning. The House did its part when it passed, 265-162, the Human Cloning Prohibition Act (H.R. 2505) on July 31, 2001. Senator Brownback has been at the forefront of the debate in his attempts to get a total cloning ban passed by the Senate. However, as *The New York Times* on May 26, 2002, reported, “Senator Tom Daschle . . . promised Mr. Brownback a vote by February or March, then set a deadline of Memorial Day. Now, Mr. Daschle says, the vote will take place in June.” Senator Daschle still has not made good on his promise.

Failure to Ban Partial Birth Abortion

On July 24, the House passed, 274-151, the Partial-Birth Abortion Ban Act of 2002 (H.R. 4965). The bill outlaws late-term partial-birth abortions, in which a child is partially delivered and then intentionally killed. Sixty-five House Democrats voted for H.R. 4965; the Bush Administration strongly supports the bill. Thirty-one states already are on record in their opposition to partial-birth abortions.

Failure to Enact Terrorism Reinsurance

Democratic leaders originally pulled the terrorism reinsurance bill because their prized constituency, the trial lawyer community, could not stomach the liability provisions in the original Dodd/Enzi/Gramm/Sarbanes compromise language. The bill now is dying in conference as Senator Daschle continues to insist that trial lawyers be allowed to seek punitive damages from the victims of terrorism.

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